

Q. #1782

DOCUMENT NO. 5579

PAGE 1

AUSTRALIAN WAR CRIMES

BOARD OF INQUIRY

BEFORE HIS HONOR. MR. JUSTICE PHILIP

WILLIAM WATT LEGGATT, Sworn and examined:

I am VX. 44907, Lieut.-Col. William Watt Leggatt.  
C.O. 2/40th. My private address is Mornington, Victoria.

I was taken prisoner at TIMOR on 23rd February, 1942.  
Before I was captured we recaptured a village called  
Babaoe, which had been taken by the Japanese. While we  
were in possession of the village I saw three men of  
my battalion who had been tied each to each by string  
around their wrists. Their throats had been cut and  
there was evidence that they had also been shot.  
I was confined in Oesapa Besar.

Accommodation

No covering of any sort was provided at first, except  
a few native huts for the sick in a separate medical  
area. We built our own camp, in the manner of native huts.

Food

The only food at first was rice. No cooking utensils were  
provided and food was cooked in mess tins. Later we  
obtained some of our own kitchen utensils.

The only water available for any purpose at all, was from  
a swamp in the area.

Later on, about a month, we were placed on our own half-  
ration scale from our own rations which had been recovered  
from our base depot.

Medical and  
Hygiene

No drugs supplied at all, at first; but we had sufficient  
of our own drugs to carry on.

Latrines

No latrines were provided. We had to dig our own immediately  
and very few tools were provided for the purpose.

Work

P.O.W.'s. were employed unloading ships, mainly food.

Munitions

At one time we were asked to unload Munitions. I objected  
and that was stopped.

The general treatment by the Japanese of the P.O.W.'s was good  
and I saw only one incident of a man being struck, for  
stealing. The punishment administered to him was not very  
severe.

/  
Canteen

Canteen

There was no canteen but we were able to buy some food from the natives.

EXECUTION OF V.X. 3597. PRIVATE TERRY. E.F.. 2/40th BATT.

A copy of a letter written by me on 14th June, 1942 to the Japanese Commandant of the camp at OESAPA BESAR is attached hereto and marked with a letter "A".

The reply of Corporal Sakakura, for Lieut. M. Harada (the Camp Commandant) dated 16th June, 1942 is attached hereto and marked with the letter "B".

A copy of letter dated 16th June, 1942 from me to the Camp Commandant is attached hereto and marked with the letter "C".

I have no personal knowledge as to who actually executed Private Terry but I have been informed by some of my men that he was executed by a Japanese Sergeant, Soramento.

In July, 1942 I was taken to the Cycle Camp in Batavia.

ACCOMMODATION:

Reasonable, but very overcrowded.

FOOD:

Inadequate

MEDICAL & HYGIENE:

Medical supplies were short but we were able to purchase some outside. Hygiene was fair.

WORK:

Clearing up the town. Officers did not work except in charge of parties.

GENERAL:

We were forced to salute all ranks.

The guards used to come through the camps several times a day beating up prisoners of war who did not stand strictly to attention.

I went to Changi on 12th September, 1942 and remained there until the end of hostilities.

-----  
This is the second and last sheet of the evidence of Lieut.Col. William Watt Leggatt C.O. 2/40th Batt., taken and sworn before me at Melbourne in the State of Victoria this 24th day of January, 1946.

/s/...W..Watt.Leggatt.....  
DEPONENT

/s/...G.Philp..J.....  
MEMBER

Australian Board of Inquiry  
into War Crimes.

GIB/CR/1c

LIEUT.COL. W.W. LEGGATT  
24/1/46



DOCUMENT NO. 5579  
"A"

The Commandant  
Australian Camp  
OESAPA BESAR.

OESAPA BESAR  
14 Jun 42.

PAGE 3

Ref ALLEGED DEATH OF PTE TERRY E.F.

Information was received yesterday from a driver in KOEPANG that TX 3597 Pte TERRY E F who was driving a truck at SOE, was shot and killed a few days ago.

2. Please advise if this occurred and if so what were the circumstances connected with his death.

Lt Col.  
(Sgd) W.W. Leggett

"B"

Japanese HQ. Oesapa Besar,  
16th June 1942.

The Commander,  
Australian Camp.

The following message has been received from our HQ at Koepang:-

1. Driver Terry was killed under the following circumstances: Some days ago he was driving a lorry which broke down. He left the lorry by the roadside and went back to the barracks for his meals. One of our N.C.O.'s noticed him and told him he should have brought the truck back to the garage before lunch and ordered him to go out and get it. The N.C.O. again noticed him and repeated his order but he did not obey and struck the N.C.O. and ran away. The garrison in SOE commenced a search and found him and acting on instructions from HQ. in SOE he was killed.
2. In Japanese forces when a person strikes an officer or N.C.O. of higher rank the penalty is always death. This is the first time that a prisoner of war has committed an act of violence and we hope that it will not occur again.
3. We do not wish to show any lack of courtesy to a prisoner of war but it is the duty of a prisoner of war to conduct himself in a proper manner.

(Sgd) Sakakura Cpl  
for M. Harada, Lieut.

GIB/CR/2c.

APPENDIX 1.

24/1/46  
/s/ G Philp

PURL: <http://www.legal-tools.org/doc/dba49e/>



"C"

OESAPA BESAR  
16 Jun 42

The Commandant  
Australian Camp  
OESAPA BESAR

KILLING OF Pte TERRY

Reference your memo of 16 Jun 42 it seems hardly credible that the summary shooting of Pte TERRY is contravention of even the customs of civilized warfare apart from the rules of the GENEVA CONVENTION should be countenanced by the Japanese authorities.

2. This Force surrendered on the condition that they would be properly treated, according to the rules of Prisoners of War.
3. Apart from the unjustified severity of the penalty should be carried out without a proper trial.
4. Please supply details of the evidence of any witnesses of the occurrence.
5. In view of the fact that the drivers are liable to be subjected to such summary treatment it is requested that they be returned to the P O W Camp.

(Sgd) W Watt Leggatt Lt Col

GIB/CR/3c

APPENDIX 2.

LT. COL. W.W. LEGGATT  
24/1/46

/s/ G Philp J.



證據文書第五五七九號

陸軍中佐 W・W・「リゲット」氏宣誓供述書ノ抜萃。

「ウィリアム・ワット・リゲット」宣誓シ実査セラル。

私ハ V・X・四四九〇七、陸軍中佐「ウィリアム・ワット・リゲット」ニシテ第二ノ四〇大隊長デアル。私人トシテノ住所ハ「ヴィクトリア」州「モーニングトーン」デアル。

私ハ一九四二年ノ昭和十七年ノ二月廿三日「デモール」ニテ捕虜トナツタ。私が捕虜トナル前ニ吾々ハ「ババオート」云フ村ヲ奪ヒ返シタ。其ノ村ハソレ迄ハ日兵ニ占領サレテオツタ。其ノ村ヲ吾々が占領シテオツタトキニ私ハ私ノ大隊ノ三人ノ兵ガ紐テ手頸ヲ縛リ上ゲラレテ居タノヲ見タ。彼等ノ咽喉ハ切ラレテオリ其ノ上射撃サレタ證據モアツタ。私ハ「スエサバ・ヒサール」ニ於テ收容監禁サレタ。

宿所ノ最初ノ中ハ住ムベキ如何ナル種類ノモノモナカツタ。唯僅カニ隔離病舎トシテ使用スル土人小屋ガ二三アツタノミダ。吾々ハ自分種テ土人小屋風ノ宿舎ヲ建テタ。

食事ノ最初ハ唯一ノ食物トシテ米シカナカツタ。料理道具ノ設備トシテハ何モナク、食物ハ一切飯盒デ料理ラシタ。後日ニナツテ吾々自身若干ノ料理



5579-2

用具ヲ入手シタ。

トシテ目的ニ使用サレルニモセヨ、入手シ得ル水

ト言ツテハ陸軍カニ其邊ニ在ル酒地カラ持テ來ル

モノダケデアツタ。

其ノ後約一ヶ月ニシテ吾々ノ糧食配給ハ半分ニ減

ラサレテシマツタ、此ノ糧食テモ吾々ノ其糧ニア

ル貯蔵所カラ取戻シタモノデアル。

醫藥及衛生一初メノ中ハ藥ノ供給ハ全然ナカツタ、

然シ吾々ハ吾々自身ノ藥ヲ充分ニヤツテ行ケタ。

便所一何等便所ノ設備ガナカツタ、吾々ハ自分達ノ

便所ヲ早速掘ラネバナラナカツタ、然シソレヲ掘

ルノニ道具ハ極メテ僅カシナカツタ。

仕事一掃帚ヲ掘ラネカラ荷物積卸シニ使役サレタ、主

トシテハソレハ食料品デアツタ。

軍需品一或ル時吾々ハ軍用品ノ積卸シヲ命ゼラレタ、

私ガ之ニ對シ異議ヲ申立テタノデソレハトリヤメ

ニナツタ。

× × × × × ×

第二ノ四〇大隊 V . X . 三五九七兵卒 E . F . 「テ

リ」ノ死刑執行ニ就テ、

「オエサバ・ヒサール」ニ於ケル収容所ノ日本軍司

令官ニ宛テ私ガ一九四二年ノ昭和十七年ノ六月十四

日記メタ書信ノ寫シヲ茲ニ添附スル、之レニ (A) ト註



55-79-3

ト記ス。坂容所長原田Ⅱ中尉代運坂倉伍長一九四二年／昭和十七年／六月十六日附ノ同答文ヲ茲ニ添附ス。之レヲ(B)ト註記ス。

× × × × × ×

濠洲戦争犯罪審問會員  
「ファイル」判事 (署名)

證人

W・W・「リゲット」(署名)

× × × × × ×

(B) 「オエサバ・ヒサール」日本軍司令部  
一九四二年／昭和十七年／六月十六日

濠洲人捕虜坂容所長殿

左記ハ「コーバン」ニ於ケル司令部ヨリ送付<sup>(付託)</sup>シタルモノデアル。

(一)「テリー」運轉手ハ左記事情ノ下ニ強サレタ、  
幾日カ前ノ事デアルガ彼ハ貨物自動車ヲ運轉シテ居  
タガ其貨物自動車ガ故障シタ、彼ハ其ノ貨物自動車  
ヲ路傍ニ置キ放シニシテ食料ヲトル爲メ兵舎へ戻ツ  
タ。我ガ下士官ノ一人ガ彼ヲ見ツケ、食料ヲトル以  
前ニ其ノ自動車ヲ車庫<sup>(車庫)</sup>持歸ラナケレバイケナイト注  
意シ、行ツテ自動車ヲ取テ来イト命令シタ、其ノ下  
士官ハ兵庫<sup>(車庫)</sup>彼ヲ見カケ、彼ノ命令ヲ反復シタ、然ル



5579-4

ニ彼レハ命令ニ服従セズンテ下士官ヲ毆打シテ逃走  
シタ。コソイエニ於ケル守備隊ハ捜索ヲ始メ彼レ  
ヲ発見シタ。而シテコソイエニ於ケル司令部ノ指  
令ニ違キ彼ハ殺サレタ。

(二) 日本軍隊デハ何人ト雖モ上級將校又ハ下士官ヲ  
毆ツタ場合ノ罰則ハ必ズ死刑デアル。臨時捕虜ガ暴  
力行爲ヲ行ツタノハ之レガ最初ノ事デアル。新カ  
ル事ノ再度起ラナイコトヲ希望ス。

(三) 吾々ハ如何ナル場合ニテモ捕虜ニ對シテ任意ニ  
欠ケタルコトヲヤリタクナイ、然シテ捕虜トシハ  
捕虜ラシク扱フコトヲ義務デアル。

原田 M 中尉代理

坂倉 伍長 (署名)